



**FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/ooBY/HBA/2023/0001**

Applicant : **Liverpool City Council**

Representative : **Brynmor Adams, Counsel
Laura Heller, Interim Senior
Solicitor**

Respondent : **Trophy Homes Limited**

Representative : **N/A**

Type of Application : **Application for a Banning Order
Housing and Planning Act 2016 – s 15**

Tribunal Members : **Judge Jodie James-Stadden
Tribunal Member Dianne Latham**

**Date and venue of
Hearing** : **22 March 2024
Video Hearing**

Date of Decision : **22 March 2024**

DECISION

DECISION

The application for a banning order is granted for a period of 4 years, subject to the exception that the ban shall not apply for a period of 6 months to existing tenancies which the Respondent does not lawfully have the power to bring to an immediate end.

The precise terms of the Order are set out in the Order that accompanies this decision.

The Order shall take effect from the date of this decision, which is 22 March 2024.

REASONS

INTRODUCTION

The application

1. Liverpool City Council (a local housing authority, hereinafter “the Council”) has applied to the Tribunal for a banning order under section 15 of the Housing and Planning Act 2016 (“the 2016 Act”). The Respondent to the application is Trophy Homes Limited (“THL”) of 2b, Sandown Lane, Wavertree, Liverpool, L15 8HY.
2. A ‘banning order’ is an order made by the Tribunal, banning a person from (section 14 of the 2016 Act):
 - (i) letting housing in England;
 - (ii) engaging in English letting agency work;
 - (iii) engaging in English property management work; or
 - (iv) doing two or more of those things.
3. By its application, the Council seeks an order banning THL from doing any of those things for a period of four years.
4. The Council’s application is dated 09 October 2023. On 01 November 2023, directions were issued to the parties for the conduct of the proceedings. Those directions set out the steps which the parties were required to take in preparation for the application to be heard, including that the Council file and serve an electronic bundle within 21 days and that THL file and serve an electronic bundle in response within 21 days thereafter.

5. The Council filed its bundle electronically but served it as a hard copy on THL by first class post, informing the Tribunal that it had done so as it had historically received correspondence from THL from various different email addresses and could not serve an electronic bundle on each of those addresses for data protection reasons. The Council provided the Tribunal with its covering letter to THL which notified THL that an electronic bundle would be provided if the Applicant required it and provided an email address for that purpose. No such request was received.
6. THL failed to comply with the Tribunal's directions of 01 November 2023. As such, no statement of case in opposition to the Council's application has been provided by THL.
7. A hearing date was listed for 22 March 2024, to take place by video, notice of which was given by the Tribunal to the parties on 31 January 2024.

The hearing

8. The hearing of the Council's application took place on 22 March 2024, by video.
9. The Council was represented by Brynmor Adams of Counsel.
10. THL failed to attend the hearing, but the Tribunal considered it appropriate to proceed with the hearing in its absence, being satisfied that reasonable steps had been taken to notify it of the hearing, and that it was in the interests of justice to proceed.
11. As noted above, the Council complied with the Tribunal's directions of 01 November 2023 by providing a bundle of documents in support of its application. That bundle included a written statement of reasons in support of the application, a witness statement from Gillian Wills, senior enforcement officer at the Council, dated 15 November 2023 and a witness statement from John Foran, deputy head of private sector housing at the Council, dated 21 November 2023.
12. The Tribunal also had the benefit of a document entitled "List of Issues and References to Evidence" (essentially a skeleton argument) which was produced by Mr Adams on behalf of the Council on the morning of the hearing.
13. In addition, the Tribunal heard oral evidence from Ms Wills and Mr Foran.
14. Judgment was reserved.

LAW AND GUIDANCE

Effect of a banning order

15. The effect of the provisions in Chapter 2 of Part 2 of the 2016 Act is that a person may be banned from all (or any) of the things listed in paragraph 2 above (section 14 of the 2016 Act). Any such ban must last at least 12 months and may include a ban on involvement in certain corporate bodies.
16. As well as banning a person from letting housing in England, a banning order may ban them from engaging in 'English letting agency work' and/or 'English property management work'. These expressions are defined in sections 54 and 55 of the 2016 Act. Broadly speaking, however, they cover letting agency and property management activities done by a person on behalf of a third party in the course of a business.
17. Breach of a banning order is a criminal offence (under section 21 of the 2016 Act). It can also lead to the imposition of a civil financial penalty of up to £30,000 (under section 23). There are also anti-avoidance provisions (in section 27) which invalidate any unauthorised transfer of an estate in land to a prohibited person by a person who is subject to a banning order that includes a ban on letting.
18. Exceptions can be made to a ban imposed by a banning order: for example, to deal with cases where there are existing tenancies, and the landlord does not have the power to bring them to an immediate end. A banning order does not invalidate any tenancy agreement held by occupiers of a property (although there may be circumstances where, following a banning order, the management of the property is taken over by the local housing authority under Part 4 of the Housing Act 2004).

Tribunal's power to make a banning order

19. Section 16 of the 2016 Act empowers the Tribunal to make a banning order on an application by a local housing authority under section 15. However, before it makes a banning order, the Tribunal must be satisfied that the following conditions are met:
 - The local housing authority must have complied with certain procedural requirements before applying for the order.
 - The respondent must have been convicted of a 'banning order offence'.
 - The respondent must also have been a 'residential landlord' or a 'property agent' at the time the offence was committed.

20. Section 16(4) provides that, in deciding whether to make a banning order, and in deciding what order to make, the Tribunal must consider:

- the seriousness of the offence of which the respondent has been convicted;
- any previous convictions that the respondent has for a banning order offence;
- whether the respondent is or has at any time been included in the database of rogue landlords and property agents (under section 30 of the 2016 Act); and
- the likely effect of the banning order on the respondent and anyone else who may be affected by the order.

21. A list of offences which are ‘banning order offences’ is to be found in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018. The full list was annexed to the directions issued to the parties by the Tribunal on 01 November 2023. However, for present purposes, it is sufficient to note that the list includes the following (provided: (i) the offence was committed after 6 April 2018; and (ii) the sentence imposed was not an absolute or conditional discharge):

	<i>Act</i>	<i>Provision</i>	<i>General description of offence</i>
	Housing Act 2004	s.72(1), (2) and (3)	Offences in relation to houses in multiple occupation

Procedural requirements

22. As stated above, before making a banning order, the Tribunal must be satisfied that the local housing authority has complied with certain procedural requirements. Those requirements are set out in section 15 of the 2016 Act.

23. Before applying for a banning order, a local housing authority must give the respondent a notice of intended proceedings:

- informing the respondent that the authority is proposing to apply for a banning order and explaining why,
- stating the length of each proposed ban, and

- inviting the respondent to make representations within a specified period of not less than 28 days.

24. The authority must consider any representations made during the specified period, and it must wait until that period has ended before applying for a banning order.

25. A notice of intended proceedings may not be given after the end of the period of six months beginning with the day on which the respondent was convicted of the offence to which the notice relates.

Relevant guidance

26. The Ministry of Housing, Communities and Local Government published non-statutory guidance in April 2018: *Banning Order Offences under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities*. The stated intention of the guidance is to help local housing authorities understand how to use their new powers to ban landlords from renting out property in the private rented sector. Save to the extent that the guidance reflects a statutory requirement, its recommendations are not mandatory. However, it is good practice for a local housing authority to follow them.

27. The guidance notes the Government’s intention to crack down on “a small number of rogue or criminal landlords [who] knowingly rent out unsafe and substandard accommodation” and to disrupt their business model. It states that banning orders are aimed at:

“Rogue landlords who flout their legal obligations and rent out accommodation which is substandard. We expect banning orders to be used for the most serious offenders.”

28. The guidance also states that local housing authorities “are expected to develop and document their own policy on when to pursue a banning order and should decide which option to pursue on a case-by-case basis in line with that policy”. It repeats the expectation that a local housing authority will pursue a banning order for the most serious offenders.

29. In deciding whether to pursue a banning order, the guidance recommends that the authority have regard to the factors listed in section 16(4) of the 2016 Act (see paragraph 20 above). It also recommends that the authority consider the likely effect of the banning order on the respondent and anyone else that may be affected by the order, citing the following as relevant in assessing this: the harm caused to the tenant by the offence; punishment of the offender; and the deterrent effect upon the offender and others.

30. Liverpool City Council has adopted its own *Private Sector Housing Banning Order/Database of Rogue Landlord and Property Agent Policy*. A copy of this policy was produced in the Applicant’s bundle.

31. The Council's policy states that the "Council is committed to improving standards in private sector housing, with the aim of ensuring that all private rented accommodation is well managed, properly maintained, safe and habitable" and that it "shares the Government's desire to support good landlords who provide decent well-maintained homes, and to crack down on those unscrupulous landlords who are flouting the law and seeking to profit from their non-compliance". It further states that the "Council's approach to enforcement is based on the principle that no one who breaks the law should gain a financial advantage over someone who does not".
32. The policy notes that banning orders "are aimed at irresponsible and criminal landlords and property agents who flout their legal obligations and rent out accommodation which is substandard" and comments that the Council "intends to make robust use of Banning Orders in line with this policy", noting however the Government's expectation that such orders will be pursued for the most serious offenders and confirming that decisions will be made on a case by case basis.
33. The Policy sets out the process that the Council will adopt in determining whether or not to apply for a banning order. In the first instance, it states that the Council may seek further information from the respondent to assist it in making the decision. Thereafter, it will adopt a 2-stage process:
 - a. Firstly, the Council will determine whether to apply for a banning order, considering:
 - i. Whether a banning order offence has been committed;
 - ii. The level of culpability in relation to the offence (low, medium, high or very high);
 - iii. The harm caused or the potential for harm in relation to the offence (low, medium, high);
 - iv. The overall seriousness of the offence, considering its conclusions under ii and iii together with the severity of the sentence imposed by the court, previous convictions /civil penalties for banning order offences, registration on the rogue landlord's database, any history of other types of relevant non-compliance;
 - v. The impact of the banning order;
 - vi. Punishment of the offender/deterring future offending/deterring others from committing similar offences;
 - b. Secondly, the Council will consider what period of ban to recommend, recognising that it is a severe sanction and that its primary aim is to prevent further offending.

BACKGROUND FACTS

34. The Banning Order offences relate to two separate properties, namely 7, Highgate Street, Liverpool, L7 3ET and Flat 11, 25, Silverster Street, Liverpool, L5 8SE. Both appear to have been operated as houses in multiple occupation (“HMOs”) (although the question as to whether the properties should be licensed under Part 2 of the Housing Act 2004 is not an issue in these proceedings).
35. The Council’s bundle contains a copy of its ‘Banning Order Checklist’, in which it is recorded that the Council established in early 2022, through scrutinising the tenancy agreements of the then tenants of the properties, that THL was named as the landlord of both properties.
36. On 02 February 2023, at Liverpool and Knowsley Magistrates’ Court, THL was convicted, following a guilty plea, of the following offences under the Housing Act 2004:

In relation to 7, Highgate Street:

1. Between 25/03/2022 and 30/06/2022, being in control of or managing an HMO which was required to be licensed but which was not so licensed (section 72(1) and (6) of the Housing Act 2004).

Sentence imposed: £15,000 fine, plus costs and victim surcharge

And in relation to Flat 11, 25, Silvester Street:

2. Between 25/03/2022 and 30/06/2022, being in control of or managing an HMO which was required to be licensed but which was not so licensed (section 72(1) and (6) of the Housing Act 2004).

Sentence imposed: £15,000 fine

37. THL’s prosecution and conviction for the above banning order offences followed concerted efforts by the Council to engage with THL, to no avail. Following complaints about disrepair at the properties by their respective tenants, and having established the lack of a licence in respect of each, the Council sent correspondence (25 January 2022 for Flat 11, 25, Silvester Street and 11 May 2022 for 7, Highgate Street) highlighting the lack of a licence, stating that this was a criminal offence, requesting that an application for a licence be made and warning of the consequences of a failure to do so. Subsequent correspondence invited THL to interviews under caution in respect of both properties. The Council received no response at all to any of its correspondence to THL, nor were any licence applications submitted.

38. On 15 May 2023, the Council sent THL a request for further information pursuant to section 19 of the 2016 Act, to assist it in making a decision as to whether or not to pursue a Banning Order against it. The information sought included details of its involvement with the properties and whether or not THL remained involved in the day-to-day management of the properties and in receipt of the rents for them. THL failed to respond to this request for information.
39. On 03 July 2023, the Council gave THL notice of its intention to apply for an order banning it from doing any of the things listed in paragraph 2 above for a period of four years. The notice was accompanied by a copy of its 'Banning Order Checklist' which sets out in full the basis of its decision to apply for the order. THL was invited to make representations within 35 days. THL did not make any representations either during the notice period or afterwards.
40. Following the expiry of the notice period, on 09 October 2023, the Council applied to the Tribunal for a banning order.
41. It is pertinent to note at this stage, as part of the background facts to this matter, that on 27 February 2020, THL was convicted of 5 offences under s.72(1) of the Housing Act 2004 and 4 offences under s.95(1) of the Housing Act 2004 and that, on 09 June 2020, an entry was made on the Database of Rogue Landlords and Property Agents for 3 years by reason of these banning order offences.

GROUNDS OF APPLICATION

42. The Council applies for a banning order on the grounds that THL has been convicted of 2 banning order offences for being in control of or managing an HMO which was required to be licensed but which was not so licensed, to which offences THL pleaded guilty on 02 February 2023.
43. The Council states that, having applied its policy, it considers THL's culpability to be 'very high', as it has intentionally breached or flagrantly disregarded the law, particularly when considered in the context of the background to these proceedings. It states that THL was well aware of its obligations, not least from having previously been convicted of 9 offences of failure to licence properties and having been entered on the rogue landlords' database, and emphasises that it proceeded to commit further offences regardless.
44. Also applying its policy, the Council considers that the harm, or the potential of harm, caused by the offences is high, with unlicensed properties essentially being unregulated, thereby putting tenants at risk. It emphasises that there was evidence of disrepair at both properties, that THL entirely failed to co-operate with its investigation and that it has previously been convicted of similar offences and entered onto the rogue landlords' database as a result.

45. The Council considers a four year ban would be appropriate, being proportionate to the offences committed, reflective of THL's previous offences, its continued offending, its entry on the rogue landlords' database and of the severity of the offending. It considers that a four year ban will also act as a deterrent to further offending.

DISCUSSION AND CONCLUSIONS

Mandatory conditions for making a banning order

46. Based upon the evidence described above, the Tribunal is satisfied that the Council has complied with the procedural requirements in section 15 of the 2016 Act.
47. The Tribunal is also satisfied that, on 02 February 2023, THL was convicted of two banning order offences, namely being in control of or managing an HMO which was required to be licensed but which was not so licensed, in respect of two separate properties.
48. Furthermore, the Tribunal is satisfied that THL was a 'residential landlord or a property agent' at the time the offences were committed, THL having been named as landlord, and in receipt of rents, in respect of tenancies of the properties at the time and having pleaded guilty to each of the banning order offences.

Exercise of discretion to make a banning order

49. Given that the mandatory conditions for making a banning order are satisfied, the Tribunal must decide whether or not to exercise its discretion to make such an order. It must do so having regard to the factors mentioned in section 16(4) of the 2016 Act.
50. In addition, the Tribunal considers it appropriate to have regard to the Government's non-statutory guidance on banning orders (see paragraphs 26 - 29 above) and to the Council's own Policy (referred to at paragraphs 30 – 33 above). Whilst the Tribunal recognises that neither the guidance nor the policy binds the Tribunal, it considers their recommendations to be of assistance to the task in hand.
51. As noted above, THL has played no part in the proceedings before the Tribunal. It has not provided a statement of case in opposition to the application for a banning order and it failed to attend the hearing. As Mr Adams pointed out during submissions, THL has accordingly not challenged the Council's evidence and has adduced no evidence itself by way of explanation or in mitigation of its conduct.
52. The first factor for the Tribunal to consider is the seriousness of the relevant offences, both individually and when taken together.
53. Mr Adams drew the Tribunal's attention to the level of the fines imposed by the Magistrates Court on 02 February 2023, which were

£15,000 per offence. He explained that this is a level 5 fine, the upper limit of which is unlimited, but commented that the alternative to prosecution is a financial penalty order, for which the maximum fine is £30,000. This would put the level of the Magistrates Court fines at mid-level, save that a direct comparison cannot be drawn as a financial penalty avoids a criminal conviction, which is perhaps, as he put it, a quid pro quo for the higher level of penalty.

54. That said, the severity of the sentence imposed by the Magistrates' Court is not a determinative factor and it is for the Tribunal to make its own assessment of the seriousness of the banning order offences, based on the evidence now available to it.
55. In evidence, Mr Foran and Ms Wills set out to the Tribunal details of the disrepair at both properties. They explained that:

In relation to 7, Highgate Street:

- a. The communal living room contained a drain with a manhole cover on top of it;
- b. The drain should have been on the exterior of the property;
- c. Due to a blockage in the sewage system, the drain was overflowing and discharging foul water into the living room;
- d. Fire doors were incorrectly fitted;
- e. Handles on the fire doors were loose;
- f. Smoke detectors were covered with plastic sheeting.

In relation to Flat 11, 25, Silvester Street:

- a. The oven and hob were broken, such that the 6 occupiers had no cooking facilities other than a microwave;
- b. There were electrical issues at the property, which resulted in a fire in the intercom system, necessitating the attendance of the fire and rescue service;
- c. Following the fire, the intercom system and electrical faults were not repaired, such that the intercom system did not work, thereby compromising the security of the property's occupants and causing the electrics to trip.

56. Bearing in mind the fact that both properties were HMOs (and that HMOs are rightly regarded as posing a relatively high fire safety risk), the Tribunal is satisfied that the relevant offences in this case are very serious. THL entirely failed to address the fire and electrical safety deficiencies at the properties, even following an attendance by the fire and rescue service, and also left the occupiers at 7, Highgate Street living with foul discharge into their living accommodation.
57. The evidence also shows that THL entirely failed to co-operate with the Council, failing to respond to its initial correspondence on 25 January 2022 (Flat 11, 25, Silvester Street) and 11 May 2022 (7, Highgate Street) or to any subsequent correspondence thereafter.

58. THL has 9 previous convictions from 27 February 2020, other than those relied upon by the Council in support of this application, for similar banning order offences, which the Tribunal is entitled to take into account (Hussain v London Borough of Waltham Forest ([2023] UKUT 287 (LC)).
59. In addition, THL was included in the rogue landlords' database for a period of 3 years from 09 June 2020.
60. Furthermore, in evidence, Mr Foran confirmed that, even at the date of the hearing on 22 March 2024, no application for a licence had been submitted in respect of either property.
61. THL's conduct demonstrates a complete disregard for housing legislation, the criminal sanctions, fines and other sanctions (entry on the rogue landlords' database) levied against it to date and for the welfare of its tenants. In submissions, Mr Adams stated that previous sanctions have entirely failed to 'teach THL a lesson', demonstrating that lesser measures have failed to secure its compliance with the law and providing a compelling reason now for the necessity of a banning order against THL.
62. Turning to the question of the likely effect of a banning order, clearly, such an order would have an adverse effect upon THL, by curtailing its activities as a professional landlord for a given period of time. As THL has entirely failed to engage with these proceedings, however, there is before the Tribunal no evidence of precisely what impact an order would have upon it, although the extent of any adverse impact will of course depend upon the extent and duration of any ban imposed.
63. Similarly, there is no evidence regarding whether or not there are current tenancies in place in respect of either property and, if there are, what the nature of any such tenancies might be.
64. In evidence, Mr Foran explained that, to the best of his knowledge and in his experience, THL operates in the student market, generally granting tenancies from 01 July to 30 June, with students taking up occupancy in September. He explained that any current occupiers' tenancies should end on 30 June 2024. However, the possibility that THL would already have entered into new tenancies to commence with effect from 01 July 2024 was acknowledged.
65. Whilst a banning order would not terminate these tenancies, the existence of these tenancies would potentially put THL in immediate breach of the order and/or adversely impact the tenants themselves.
66. In terms of the impact upon THL, provided the terms of the order are proportionate, the fact that it will curtail its business activities is not a reason why a banning order should not be made. Indeed, the fact

that a banning order will have both a punitive and a deterrent effect is an important policy consideration underpinning the legislation which, as noted above, is aimed at landlords such as THL which “flout their legal obligations and rent out accommodation which is substandard”.

67. With regard to current tenants, and proposed tenants (those who have already signed tenancy agreements to commence later in the year and possibly already paid a deposit), the Tribunal considers that any adverse impact upon them can be addressed by using its powers under section 17 of the 2016 Act (as more fully explained below), whilst, as Mr Adams accepted in submissions, any ongoing safety concerns can be addressed by other measures, such as improvement notices etc.
68. Taking all of the above factors into account, the Tribunal concludes that it should grant the application for a banning order in this case, subject to the exception outlined below.

Extent and duration of the ban imposed

69. In determining the terms in which a banning order should be made the Tribunal must again have regard to the factors mentioned in section 16(4) of the 2016 Act.
70. The Council proposes that THL should be banned from doing any of the three things listed in paragraph 2 above (letting housing; property management; and letting agency work). It is important to note that a banning order will not necessarily have that effect however: whilst the 2016 Act permits the Tribunal to order a blanket ban on doing any of these things, it also permits the Tribunal to be more selective, and to restrict any ban to just one or two of those things. Nevertheless, taking account of all the circumstances of this case, the Tribunal agrees with the Council’s view that THL should be banned from doing all three things. It is self-evident that the ban should include letting housing and engaging in property management work given all of THL’s failings, as noted above, and in particular the disregard it has shown for the importance of protecting the health and safety of its tenants, its legal obligations and previous sanctions levied against it.
71. That said, the Tribunal is cautious about granting an order in circumstances in which there may be existing tenancies, by reason of which, firstly, THL may be put in immediate breach of the order and, secondly, and perhaps more importantly, any tenants may be adversely affected by the impact of that order.
72. Accordingly, whilst the Tribunal grants the Council’s application for a banning order, it grants that order subject to the exception that the ban shall not apply for a period of 6 months to existing tenancies

which THL does not have the power lawfully to bring to an immediate end.

73. The Tribunal is of the view that this exception will protect existing tenants but equally prevent THL from granting any new tenancies. The period of 6 months provides a reasonable period of time for THL to take lawful steps to terminate or assign existing tenancies whilst simultaneously providing a definitive end-date to the exception.
74. The Council has proposed that the bans imposed by the order last for a period of 4 years.
75. Pursuant to section 17(2) of the 2016 Act, a banning order must last for at least 12 months and there is no upper time period.
76. In submissions, Mr Adams emphasised the preventative purposes of a banning order, namely to remove the respondent from the letting market for a period of time and to prevent it from committing further breaches of the housing legislation, including by operating properties without the appropriate licences. He submitted that 4 years was a sufficient time to convey the seriousness of the order to THL and that it balanced the need to impact its business with the need to protect tenants and secure compliance with the law.
77. The Tribunal agrees.

OUTCOME

78. In light of the foregoing findings and conclusions, the Tribunal grants the Council's application and makes a banning order for a period of 4 years, subject to the exception that the ban shall not apply for a period of 6 months to existing tenancies which THL does not lawfully have the power to bring to an immediate end.
79. The precise terms of the Order are set out in the Order that accompanies this decision.
80. The Order shall take effect from the date of this decision, which is 22 March 2024.



**First-tier Tribunal
(Property Chamber)
Residential Property**

Tribunal Reference: **MAN/ooBY/HBA/2023/0001**

Applicant: **Liverpool City Council**

Respondent: **Trophy Homes Limited**

BANNING ORDER

(Section 16 of the Housing and Planning Act 2016)

By this Order, **Trophy Homes Limited** of 2b, Sandown Lane, Wavertree, Liverpool, L15 8HY

IS BANNED WITH EFFECT from 22 March 2024 from :

1. letting housing in England;
2. engaging in English letting agency work; and
3. engaging in English property management work.

These bans take effect **immediately**. They will last for a period of **FOUR YEARS** from the date of this Order.

The ban on letting housing in England shall not apply for a period of 6 months ending on 21 September 2024 to existing tenancies which Trophy Homes Limited does not lawfully have the power to bring to an immediate end.

Signed:
Tribunal Judge Jodie James-Stadden
Tribunal Member Dianne Latham
Date: 22 March 2024

NOTES:

1. **A person who breaches a banning order commits an offence and is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both. Alternatively, a local housing authority may impose a financial penalty of up to £30,000 on a person whose conduct amounts to that offence.**
2. A person who is subject to a banning order that includes a ban on letting may not make an unauthorised transfer of an estate in land to a prohibited person. Any such transfer is void (see section 27 of the Housing and Planning Act 2016).
3. A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract.
4. A person against whom a banning order is made may apply to the Tribunal for an order under section 20 of the 2016 Act revoking or varying the order.
5. The expressions “English letting agency work” and “English property management work” have the meanings given to them by sections 54 and 55 of the 2016 Act respectively.
6. The reasons for making this banning order are set out in a Decision issued separately by the Tribunal.